

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 24, 2006

**D045566      People v. Mendiola**

The true finding on the criminal street gang allegation under section 186.22, subdivision (b)(1) is reversed and the 10-year sentence enhancement imposed for that allegation on count 1 is stricken. The judgment is affirmed in all other respects. The cause is remanded to the trial court with instructions to dismiss the petition's special allegation of a violation of section 186.22, subdivision (b)(1). The trial court shall then amend the abstract of judgment accordingly and forward it to the Department of Corrections. Irion, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D047140      In re Jimmy L., a Juvenile**

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

**D045453      People v. Brown**

The judgment is reversed and the matter is remanded for a new trial. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

**D045788      Ayers et al. v. Washington Mutual Bank**

The order awarding attorney fees is reversed. Appellant's to recover their costs of appeal. Benke, J.; We Concur: McConnell, P.J., Nares, J.

**D046532      Flagg v. Corcoran Jr., et al.**

The judgment is affirmed. Each party to bear its own costs of appeal. Benke, Acting P.J.; We Concur: Nares, J., Irion, J.

**D045789      Warren v. Sharabi**

The petition for rehearing is denied.

**D048469      Robert M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition for writ of mandate and request for stay have been read and considered by Presiding Justice McConnell and Associate Justices Benke and McDonald. The petition is denied.

**D046905      In re Marriage of Arzola**

The appeal is dismissed. Paulina is awarded her costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

**D048464      Brian B. v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 25, 2006

**D047711      People v. Alva**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D048039      In re Daniel Mora on Habeas Corpus**

The petition is denied.

**D047854      Nichols et al. v. Superior Court of San Diego County/R.J. Reynolds Tobacco Company et al.**

The petition is denied.

**D045721      In re Marriage of Mork**

The order is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

**D045166      People v. Smann**

The \$400 restitution fine imposed pursuant to section 1202.45 is reversed; in all other respects, the judgment is affirmed. McDonald, Acting P.J., McIntyre, J., Aaron, J.

**D048102      In re Harris on Habeas Corpus**

The petition is denied.

**D048436      In re Lawrie on Habeas Corpus**

The petition is denied.

**D046427      Purita Vinyard et al. v. Scrippshealth**

The judgment is affirmed. Scripps is entitled to costs on appeal. McConnell, PJ;  
We Concur: Nares, J., Irion, J.

**D046984      People v. Horn**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 33(c)(5) and 17. The appeal is dismissed.

**D046264      Loucks et al. v. Jacobs**

Defendant Harvey B. Jacob's "Petition for Review," which we treat as a petition for rehearing, is denied.

**D047772      In re Antonio B., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 25, 2006 (Continued)

**D047092      In re Maseo P., a Juvenile**

Upon the request for dismissal of appeal, personally signed by appellant and his attorney, filed on April 24, 2006, the appeal is dismissed.

**D046198      People v. Wilson**

Counts two and three are reversed; conviction on all other counts is affirmed<sup>3</sup>  
CERTIFIED FOR PARTIAL PUBLICATION

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<sup>3</sup> Given this resolution of the case it is not necessary we confront appellant's additional claims of error.

Benke, J.; We Concur: McConnell, P.J., Irion, J.

**D047407      In re Raymond B. et al., Juveniles**

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D048361      In re Flores on Habeas Corpus**

The petition is denied. The stay issued by this court on April 10, 2006, is vacated.

**D047187      In re the Marriage of Gahn**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D048019      In re Vargas on Habeas Corpus**

The petition is denied.

**D048318      Schneider v. Schneider**

Because appellant did not timely pay the filing fee, the appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 26, 2006

**D046979      People v. Soto**

Soto's appeal from denial of a writ of coram nobis is dismissed as untimely, and had it been timely it would be affirmed. Benke, Acting, P.J.; We Concur: Haller, J., McDonald, J.

**D046327      People v. Harris**

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D047591      In re Marcus B., a Juvenile**

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D048247      Debra H. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Debra H. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D044895      Huff v. Wilkins et al.**

It is ordered that the opinion filed on April 14, 2006, is modified. No change in judgment.

**D045945      Sher et al. v. San Diegueno Hills Homeowners Association et al.**

The petition for rehearing is denied.

**D046698      People v. Burton**

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Huffman, J.

**D045156      Allegetti & Company v. County of Imperial**

The opinion filed March 28, 2006, is ordered certified for publication.

**D046178      People v. Odom**

The petition for rehearing is denied.

**D045578      Durbin v. Parinello, Inc.**

Plaintiff and Respondent's petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
April 27, 2006

**D047633      In re Maxamillyan B., a Juvenile**

The appeal is dismissed. Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D045966      People v. Cordeiro**

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D048042      In re Finney on Habeas Corpus**

The petition is denied.

**D047305      Evans et al. v. North County Fire Protection District**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

**D048483      People v. McNeal**

The notice of appeal has been considered by Associated Justices Benke, McDonald and McIntyre. The notice of appeal is premature because no appealable order or judgment has been entered.

The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 28, 2006

**D045885      People v. Zetterholm**

The order extending Zetterholm's commitment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D046634      Sukumar v. Wise et al.**

The judgment is affirmed. Costs are awarded to respondent. Huffman, Acting P.J.; I concur: Haller, J., concurring and dissenting: McDonald, J.

**D048041      Zurich North America v. Workers' Compensation Appeals Board et al.**

The petition is denied.

**D047990      In re Willie Stewart Jr., on Habeas Corpus**

The petition is denied.